

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRIAN SCHRAM,

Plaintiff,

vs.

LISA LAURELL, Social Worker;
SHANNON BLACK, Program Director;
and CINDY DYKEMAN, Program
Manager;

Defendants.

4:16CV3071

**MEMORANDUM
AND ORDER**

Plaintiff has filed a Motion ([Filing No. 49](#)) seeking the appointment of counsel. The court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel.” Trial courts have “broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff’s ability to investigate the facts and present his claim.” *Id.*

The court sees no benefit to counsel at this time. To date, Plaintiff has filed a complaint, an amended complaint, a supplemental complaint, declarations from other civilly-committed patients, a declaration for entry of default judgment, and interrogatories to opposing counsel. This case involves a retaliation claim against Defendants stemming from the same basic threat: to send Plaintiff to Norfolk Regional Center in response to his statements of intent to file a grievance. Should this matter proceed to trial, Plaintiff may again request the appointment of counsel.

IT IS THEREFORE ORDERED that: Plaintiff's Motion to Appoint Counsel ([Filing No. 49](#)) is denied without prejudice to reassertion.

Dated this 28th day of August, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge